

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

PATRICK ROTH,

Plaintiff,

v.

JOHN RICKETTS (BADGE #1126)

et al.,

Defendants.

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Case No. CIV-19-903-G

ORDER

On October 31, 2019, Plaintiff Patrick Roth filed an Amended Complaint (Doc. No. 11), raising federal civil-rights claims against Defendant John Ricketts (Badge #1126) (“Ricketts”) and Defendant Oklahoma City (“City”). Defendant City has filed a Motion to Dismiss (Doc. No. 24), to which Plaintiff has responded (Doc. No. 28).

In its Motion, Defendant City seeks dismissal of certain claims, namely: (i) Plaintiff’s official-capacity claims against Defendant Ricketts; and (ii) Plaintiff’s claims for punitive damages against Defendant City and against Defendant Ricketts in his official capacity. *See* Def.’s Mot at 1-5. In his Response, Plaintiff affirmatively states that he agrees with Defendant City’s Motion and does not object to dismissal of these claims. *See* Pl.’s Resp. at 1-2.

Accordingly, the Court construes Plaintiff’s response as a request for dismissal of the relevant claims and GRANTS this request. *See* Fed. R. Civ. P. 41(a)(2). Plaintiff’s legal claims against Defendant Ricketts in his official capacity, and all claims for punitive damages against Defendant City or against Defendant Ricketts in his official capacity, are

hereby DISMISSED WITHOUT PREJUDICE. Defendant City's Motion (Doc. No. 24) is DENIED AS MOOT.

IT IS SO ORDERED this 14th day of February, 2020.



CHARLES B. GOODWIN
United States District Judge